



January 23, 2002

HOUSE BILL No. 1187

DIGEST OF HB 1187 (Updated January 22, 2002 1:09 PM - DI 106)

Citations Affected: IC 11-8; IC 11-11.

Synopsis: Requirements for corrections personnel and inmate recreation time. Requires a superintendent in the department of correction (DOC) to have at least five years of management experience in the field of corrections or a related field. Prohibits the DOC from confining an offender without an opportunity for at least one hour of exercise five days each week.

Effective: July 1, 2002.

Sturtz, Ulmer, Foley

January 10, 2002, read first time and referred to Committee on Judiciary.
January 22, 2002, reported — Do Pass.

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January 23, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1187

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 11-8-2-7 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) The commissioner shall, with
3 the approval of the board, determine which state owned or operated
4 correctional facilities are to be maintained for criminal offenders and
5 which are to be maintained for delinquent offenders.
6 (b) The commissioner shall determine which state owned or
7 operated correctional facilities need, for effective management,
8 administration by a superintendent. The commissioner shall appoint,
9 with the approval of the board, a superintendent for each correctional
10 facility. However, ~~he the commissioner~~ may appoint a person as
11 superintendent of two (2) or more facilities if ~~he the commissioner~~
12 finds that it would be economical to do so and would not adversely
13 effect the management of the facilities.
14 (c) A superintendent must hold at least a bachelor's degree from an
15 accredited college or university and must have held a management
16 position in correctional or related work for a minimum of ~~three (3)~~ **five**
17 **(5)** years. A superintendent is entitled to a salary to be determined by

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the state budget agency with the approval of the governor. A superintendent may be dismissed for cause by the commissioner with the approval of the board.

(d) If a superintendent position becomes vacant, the commissioner may appoint an acting superintendent to discharge the duties and powers of a superintendent on a temporary basis.

SECTION 2. IC 11-11-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. The department may not impose the following as disciplinary action:

(1) Corporal punishment.

(2) Confinement without an opportunity for at least ~~one-half (1/2)~~ **one (1)** hour of ~~daily~~ exercise **five (5) days each week** outside of immediate living quarters, unless the department finds and documents that this opportunity will jeopardize the physical safety of the offender, or others, or the security of the facility or program.

(3) A substantial change in heating, lighting, or ventilation.

(4) Restrictions on clothing, bedding, mail, visitation, reading and writing materials, or the use of hygienic facilities, except for abuse of these.

(5) Restrictions on:

(A) medical and dental care;

(B) access to courts, unless a committed person has brought a claim in a state or an administrative court, that the court determines to be frivolous, unreasonable, or groundless;

(C) access to legal counsel, government officials, or grievance proceedings; and

(D) access to personal legal papers and legal research materials.

(6) A deviation from the diet provided to other committed persons in that facility or program.

(7) Extra work exceeding a total of twenty (20) hours for one (1) rule violation, or exceeding four (4) hours in any twenty-four (24) hour period.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1187, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STURTZ, Chair

Committee Vote: yeas 10, nays 0.

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